

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

-----X	:	
In re	:	Chapter 9
	:	
CITY OF DETROIT, MICHIGAN,	:	Case No. 13-53846
	:	
Debtor.	:	Hon. Steven W. Rhodes
	:	
-----X	:	

**EX PARTE MOTION OF THE CITY OF DETROIT FOR AN ORDER
AUTHORIZING IT TO FILE A MOTION IN EXCESS OF PAGE LIMIT**

The City of Detroit (the "City"), as the debtor in the above-captioned case, hereby moves the Court for the entry of an order authorizing the City to file the Motion for Summary Judgment Pursuant to Federal Rule of Bankruptcy Procedure 7056 Submitted in Further Support of its Objection to Macomb Interceptor Drain Drainage District's Claim No. 3683 (the "Summary Judgment Motion") in excess of the twenty-five page limit imposed by Rule 7.1(d)(3)(A) of the Local Rules of the United States District Court for the Eastern District of Michigan (the "District Court Local Rules").

1. Contemporaneously herewith, the City filed Summary Judgment Motion.

2. District Court Local Rule 7.1(d)(3)(A) provides that "[t]he text of a brief supporting a motion or response, including footnotes and signatures, may not exceed 25 pages. A person seeking to file a longer brief may apply *ex parte* in writing setting forth the reasons." ¹

3. The Local Rules of this Court (the "Local Bankruptcy Rules") expressly incorporate the District Court Local Rules. See L. Bankr. R. 9029-1(a) ("The rules of procedure in cases and proceedings in this court shall be as prescribed by . . . any applicable Local Rules of the United States District Court for the Eastern District of Michigan . . ."). In addition, District Court Local Rule 1.1(c) provides that, in the absence of a "specific" applicable Local Bankruptcy Rule, "the general provisions [of the District Court Local Rules] apply."

4. To the extent that the page limit prescribed by District Court Local Rule 7.1(d)(3)(A) applies to the Summary Judgment Motion, the City submits that it requires more than twenty-five pages to meaningfully illustrate the issues raised in the motion.

5. Accordingly, the City respectfully requests that it be:

(a) granted relief from the page limit imposed by District Court Local Rule 7.1(d)(3)(A); and

¹ It is unclear whether this District Court Local Rule applies to the filing of a motion, which also serves as a brief. In an abundance of caution, the City files this *ex parte* motion for relief.

(b) permitted to file Summary Judgment Motion in excess of twenty-five pages in length.

WHEREFORE, the City respectfully requests that the Court (i) enter an order, substantially in the form attached as Exhibit 1, granting the relief requested herein and (ii) grant such other and further relief to the City as the Court may deem proper.

Dated: October 8, 2014

Respectfully submitted,

By: /s/Stephen S. LaPlante
Jonathan S. Green (P33140)
Stephen S. LaPlante (P48063)
MILLER, CANFIELD, PADDOCK AND
STONE, P.L.C.
150 West Jefferson, Suite 2500
Detroit, Michigan 48226
Telephone: (313) 963-6420
Facsimile: (313) 496-7500
green@millercanfield.com
laplante@millercanfield.com

David G. Heiman (OH 0038271)
Heather Lennox (OH 0059649)
JONES DAY
North Point
901 Lakeside Avenue
Cleveland, Ohio 44114
Telephone: (216) 586-3939
Facsimile: (216) 579-0212
dgheiman@jonesday.com
hlennox@jonesday.com

Bruce Bennett (CA 105430)
JONES DAY
555 South Flower Street Fiftieth Floor

Los Angeles, California 90071

Telephone: (213) 243-2382

Facsimile: (213) 243-2539

bbennett@jonesday.com

ATTORNEYS FOR THE CITY OF DETROIT

EXHIBIT 1

Proposed Order

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

	-----X	
	:	
In re	:	Chapter 9
	:	
CITY OF DETROIT, MICHIGAN,	:	Case No. 13-53846
	:	
Debtor.	:	Hon. Steven W. Rhodes
	:	
	:	
	-----X	

**EX PARTE ORDER AUTHORIZING THE
CITY OF DETROIT TO FILE A MOTION IN EXCESS OF PAGE LIMIT**

This matter having come before the Court on the *Ex Parte* Motion of the City of Detroit for an Order Authorizing It to File a Motion in Excess of Page Limit (the "*Ex Parte* Motion")¹, filed by the City of Detroit, Michigan (the "City"); and the Court being fully advised in the premises;

It is hereby ORDERED that:

1. The *Ex Parte* Motion is GRANTED.
2. The City is granted relief from the page limit set forth in District Court Local Rule 7.1(d)(3)(A) and may file the Summary Judgment Motion in excess of twenty-five pages.

¹ Capitalized terms not otherwise defined herein have the meanings given to them in the *Ex Parte* Motion.